



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
BOARD OF COSMETOLOGY AND BARBERING

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: DPR.DELAWARE.GOV
EMAIL: customerservice.dpr@state.de.us

PUBLIC MEETING MINUTES:	Board of Cosmetology and Barbering
MEETING DATE AND TIME:	Monday, September 29, 2014 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES APPROVED:	October 27, 2014

MEMBERS PRESENT

Linda Wilson, Professional Member
Carol Guilbert, Secretary, Public Member
Albert Niezgoda, Professional Member
Hillary Reid, Professional Member
Marina Pini, Professional Member
Derrick Reed, Professional Member
Lauren Pressey, Professional Member
Domonique Vicks, Professional Member
Kathleen Sherwin, Public Member
Gregory Meyers, Professional Member
Tien Le, Professional Member
Gina Marsilli, Professional Member
Sherry Wilkins, Public Member

MEMBERS ABSENT

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Eileen Kelly, Deputy Attorney General
Maggie Strauss, Administrative Specialist II
David Mangler, Director

OTHERS PRESENT

Christine Klerlein	Brenda Pressley
Maria Laredo	Lissette Wright
Theresa Tucci	Paula Wright
Erica Wells	Felisha Oberly

CALL TO ORDER

Ms. Wilson called the meeting to order at 09:18.

Mr. Mangler respectfully asked the Board if he could address a letter received from a member of the profession. The Board granted his request, and Mr. Mangler read and answered a list of questions from Pressley Beauty Academy. He advised the Board that Ms. Pressley was in the audience today, and could continue the discussion during public comments if she chose to do so.

REVIEW OF MINUTES

A motion was made by Ms. Pini, second by Ms. Guilbert, to approve the July 28, 2014 meeting minutes. The motion carried unanimously.

UNFINISHED BUSINESS

Proposal to Deny Hearing of Lucy Croll – Cosmetologist (Continuation)

Ms. Kelly called the hearing to order at 0943 and announced to the Board that Ms. Croll was not in attendance for the continuation hearing, provided a synopsis of previous hearings and because due notice was provided, the Board could make their determination based on the information they have reviewed at this time. Ms. Strauss was sworn in to offer testimony regarding mailing of documents and telephone contact. The Board went into deliberations at 0952; agreeing that she was afforded enough opportunity to provide the documentation requested. A motion was made by Mr. Reed, second by Ms. Marsilii to impose a final denial on the cosmetology application of Lucy Croll. The motion carried unanimously.

ReReview of Applications

After further review of documentation, a motion was made by Ms. Pini, second by Ms. Guilbert to impose final denials on the applications of: Christine Baker, Minh Kien Tran and Tanya Bannigan. The motion carried unanimously.

A motion was made by Ms. Pini, second by Ms. Guilbert to propose to deny the applications of Salon Slayed, Donnet Adams, Michelle Lam, Yenphuong Truong and Q.U.E Massage Therapy & Spa. The motion carried unanimously.

Review & Signing of Final Order(s)

The Board reviewed and signed the Final Order of Kevin Johnson

NEW BUSINESS

Ratification of Applications

A motion was made by Ms. Reid, second by Ms. Wilkins to accept the Aesthetician ratifications of: Keliyah A. Ferguson, Brianne Lynn Ahl, Thalia Noemi Rodriguez, Kimberly Hastings, Susan L Brown, Lauren E. Manista, Cassandra N. Combs and Allison Elizabeth Molino. The motion carried unanimously.

A motion was made by Ms. Reid, second by Mr. Reed to accept the ratification of Barber applicants Desnold Tobias Booker, Ryan James Walton, John William Franz, Shane M. Wright, Keeron K. Harrigan, Walter L. Dawkins, Jr. and Charod Ali Batts. The motion carried unanimously.

A motion was made by Mr. Reed, second by Ms. Reid to accept the ratification of Barber Instructor applicants Danny E. Lopez and Eli L. Brame. The motion carried unanimously.

A motion was made by Ms. Reid, second by Ms. Guilbert to accept the Cosmetology Instructor ratification of Dorothy J Murray. The motion carried unanimously.

A motion was made by Ms. Reid, second by Ms. Guilbert to accept the Cosmetologist ratifications of: Trisha Marie Rada, Jessica L. McCoy, Jessica Ashlyn Vaughn, Robert Scott Smith, Tammie Yatanga Cook, Jiaya L Capozio, Katie S. Roche, Renee C Griffin, Krystle L. Wingfield, Kinikia Franklin, Thao Ngoc Nguyen, Melissa C. Clarke, Tamara L. Edwards, Brandi N. Kimball, Shernell Harrison, Wenunah L. Barlow, Julia C. Bacon, Nicole J. Clouse, Jennifer T. Accursi, Megan Louise Rogers, Kelsea Rae Truskowski, Maltha Rafaelina Mercedes, Sloane E. Hochgesang, Samantha J. Teel, Taylor L. Guelette, Canisha Nicole Boyd, Tiffany A. Baker, Hoa T Bui, Kyung Mee Lee, Hannah E. Barnes, Carolyn Marie Miller, Marlene Smalls, Anh T. Vu and Samantha Nicole Jacobs. The motion carried unanimously.

A motion was made by Ms. Guilbert, second by Ms. Sherwin to accept the Nail Technician application ratifications of: Thy T. Nguyen, Betty T. Nguyen, Dai Hung P. Vo, Vy L. Nguyen, Gabrielle Dockery, Huyen N. Pham, Tho Thingoc Tran and Jamie K. Stevens. The motion carried unanimously.

Review of Reciprocity Applications

A motion was made by Mr. Reed, second by Ms. Pini to approve the reciprocity applications of: 4.2.1 Erin Evans, Maria Asley, Huynh Tran, Yen Vo, Duc Le, Evette Palgutta, Anh Quynh Nguyen, Maurice M. Heard, Tam Huynh, Veronica Brewer, Heriberto Espinosa, Tara L. Haupt, Tanya L. Benson, Garfield Bent, Yen Thi Hoang Nguyen, Dung Thi Hong Nguyen, Thuy T. Huynh, Christina Ruzicka and Xuan Thi Le. The motion carried unanimously.

A motion was made by Mr. Reed, second by Ms. Pini to propose to deny the reciprocity application of Thu Hien Vo for proof of experience. The motion carried unanimously.

Review of Shop/Salon Applications

A motion was made by Ms. Guilbert, second by Ms. Sherwin to approve the Shop/Salon Applications of: Estetica Nueva Imagen, Pure Day Spa, LLC, Styles Barber Shop Brandywine, Tulip Nails II, Nail Design of Delaware, Inc., The Hair D'Tailers, Ageless Rejuvenation Spa, Simply Beautiful Salon & Supply Store, Salon M, The Room 806 Salon, Resh Salon & Spa, Suite 302 Barber Salon and Diamond State Express dba Great Clips. The motion carried unanimously.

A motion was made by Mr. Reed, second by Ms. Sherwin to approve the application of D-Nails & Spa contingent upon proof of a city/town business license. The motion carried unanimously.

Review of Applications by the DAG

Under guidance from Ms. Kelly, a motion was made by Ms. Guilbert, second by bMs. Sherwin to propose to deny the Barber Apprentice application of DeShawn Sheppard based on criminal convictions substantially related to the profession. The motion carried unanimously.

Review of Proposed Public Health Changes

Ms. Kelly explained to the Board how the DHSS/PH regulations coincide with the Boards regulations. Ms. LeCompte, from DHSS, will be at the October meeting to review these proposed changes as well, but would like the Boards thoughts on what has been provided and reviewed so far. The Board was in agreement that they would like to see laser hair removal, eyelash work and threading added to the proposed regulation. Ms. Kelly will contact Ms. LeCompte to update her on the Boards thoughts.

Eyelash Extensions

The Board discussed the need for better language to regulate the use of eyelash extensions. Ms. Reid offered that in order to order the lashes and glue, you must be certified and/or licensed as a cosmetologist or aesthetician. To obtain certification, you must practice and then take an exam. Ms. Sherwin indicated that she would like to see specific language as to who is allowed to practice eyelash extension and what license type and/or certification are required. Ms. Kelly indicated that currently, there is nothing in the regulations addressing eyelash extension.

Evaluation/Credentialing Services

A motion was made by Ms. Sherwin, second by Mr. Reed to remove any reference specific to IERF from the Division website, and to allow Ms. Kelly to strike "agency approved by the Board" from regulation 1.3. The motion carried unanimously.

2015 Legislative Session – Director's Letter

Ms. Kelly advised the Board to consider drafting new language to present to the 2015 Legislative session regarding reciprocity. Currently, the law places a burden on applicants when fulfilling the 5 years immediately preceding requirement. She will make a proposed draft of new language to present to the Board in October for review.

Complaint Status

08-29-13 - Hearing Officer	08-34-14 – Assigned
08-104-13 – Hearing Officer	08-35-14 – Assigned
08-116-13 - Assigned	08-36-14 – Attorney General
08-02-14 – Attorney General	08-37-14 – Attorney General
08-05-14 – Assigned	08-38-14 – Assigned
08-16-14 – Attorney General	08-39-14 – Assigned
08-25-14 – Assigned	08-40-14 – Assigned
08-27-14 – Attorney General	08-41-14 – Assigned
08-29-14 – Assigned	08-42-14 – Closed
08-31-14 – Assigned	08-43-14 – Assigned
08-32-14 – Attorney General	
08-33-14 – Assigned	

Review & Consideration of Hearing Officer Recommendation(s)

The Board reviewed and deliberated on the Hearing Officer Recommendation of Theresa Kerner. Ms. Kelly also provided guidance on a letter received from Ms. Cohee and how it coincides with regulation 14.4 of DHSS; explaining that it implies a licensed cosmetologist cannot perform the service, so how can a licensed aesthetician when the scope of a cosmetology license is more extensive?

During deliberations, the Board was in agreement that Ms. Kerner was both working outside the scope of her license, as well as negligent due to her failure to follow proper protocol. The Board asked Ms. Kelly to draft an order that contains a letter of reprimand, and fines for both issues addressed in the recommendation.

Review of Nail Tech Program

Mr. Wells presented to the Board his request for Board approval of the new nail technology program available at Delaware skills Center. The Board advised him that they do not approve courses and he should contact the Dept. of Education for curriculum approval.

Review and Consideration of Consent Agreement(s)

The Board reviewed the consent agreements of Tri Pham and Muon Van Truong. A motion was made by MS. Guilbert, second by Mr. Reed to accept the agreements as written. The motion carried unanimously.

CORRESPONDENCE

Ms. Wilson provided a synopsis of letters received from America Association of Cosmetology Schools, the State of Virginia and International Society of Hair Restoration.

A motion was made by Ms. Pini, second by Ms. Marsilii to table the request of Lan Thi Hong Nguyen for more information. The motion carried unanimously.

After discussing a letter submitted by Pivot Point concerning online courses, the Board recommended they go the DOE first for course approval. Once that is obtained, they can represent that information for the Board to consider adopting online education as an acceptable form of training.

OTHER BUSINESS BEFORE THE BOARD

Ms. Kelly shared the review of HB 339 with members of the Public audience. She explained that it is now the responsibility of the Board to develop regulations around this new method of licensure.

PUBLIC COMMENT

Members of the public audience addressed the Board with their concerns over HB 339 and the alternative method of licensure that is available for individuals seeking cosmetology or barbering licenses. The Board advised the public that the new Bill was not presented by the BOCB, but from a private school. Mr. Reed and Ms. Pini reassured the representatives from surrounding schools that this will in no way effect their current students or future enrollment. Persons wishing to pursue this method of licensure must complete the 1500 hour apprenticeship before they enroll in school. Also, no school is required to offer this curriculum.

Ms. Overly addressed the Board with her concerns over the lack of “real guidelines” for apprenticeships, as well as the increased apprentice ratio now part of law. She is concerned about who can provide apprentice supervision; how a license was obtained and how long a person has held their license before they take on a supervisory role. The board invited her to attend the subcommittee meeting directly after the regular board meeting.

NEXT SCHEDULED MEETING

The next Board meeting will be held on Monday October 27, 2014 at 9:00 a.m. in conference room A.

ADJOURNMENT

A motion was made by Ms. Sherwin, second by Ms. Le, to adjourn the meeting. The motion carried unanimously. The meeting went off record and adjourned at 1240.

Respectfully submitted,
Maggie Strauss
Administrative Specialist, II